



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/425,742	10/22/1999	KARL THEODOR KRAEMER	DEAV1998/L071 US NP	9957
22852	7590	05/05/2009		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER YU, GINA C	
			ART UNIT 1611	PAPER NUMBER
			MAIL DATE 05/05/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Art Unit: 1611

Continuation of 3: In the proposed amendment, claims 1 and 22, the weight limitation of the at least one plasticizer is new and requires further search and consideration.

Continuation of 11:

Applicant's arguments with respect to the proposed amendment are not addressed in the present advisory action.

Applicant asserts the present rejection does not address whether the present therapeutic drug will be soluble in the plasticizer, Cremophor RH 40. The argument is unpersuasive. The Cremophor RH40 pamphlet teaches various purposes of using POE castor oil, including nonionic solubilizer for a wide range of hydrophobic substances and as an emulsifying agent to form a stable aqueous alcoholic solution. Examiner views applicant's argument that a skilled artisan would have used POE castor oil with only those disclosed in the pamphlet is subjective. The POE castor oil, according to the reference is a solubilizer for hydrophobic substances; thus it would have been obvious to a skilled artisan that the phenylimidazolidine of the instant claims would be solubilized. Alternatively, using POE castor oil as an emulsifier to stabilize the composition would have also resulted in the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GINA C. YU whose telephone number is (571)272-8605. The examiner can normally be reached on Monday through Friday, from 9:00AM until 5:30 PM.

Art Unit: 1611

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sharmila Landau can be reached on 571-272-0614. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gina C. Yu/  
Primary Examiner, Art Unit 1611